

07-24-03

1742

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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/901,364	
	Filing Date	07/09/2001	
	First Named Inventor	Dearnaley, et al.	
	Group Art Unit	1742	
	Examiner Name	Andrew L. Oltmans	
Total Number of Pages in This Submission	43	Attorney Docket Number	SWRI-2834

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ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input checked="" type="checkbox"/> Office Action <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> To Convert a Provisional Application <input type="checkbox"/> Power of Attorney <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): 1) Appendix 1; and 2) Certificate of transmission under 37 CFR 1.10; and 3) Return receipt postcard.
Remarks The Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account No. 50-0997 (SWR-2834), maintained by Paula D. Morris & Associates, P.C.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Paula D. Morris, Reg. No. 31,516
Signature	
Date	July 23, 2003

CERTIFICATE OF MAILING

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DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-168, 211, 212, 217 and 218, drawn to a method of treating a metal surface, classified in class 148, subclass 274, 278 and 286.
 - II. Claims 169-174, 207-210, 213-216 and 219-238, drawn to a product with a chromium gradient, classified in class 428, subclass 610.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product can be made by a different process such as by simple chromizing.
3. During a telephone conversation with Paula Morris on 18 December 2002 a provisional election was made with traverse to prosecute the invention of group I, claims 1-168, 211, 212, 217 and 218. Affirmation of this election must be made by applicant in replying to this Office action. Claims 169-174, 207-210, 213-216 and 219-238 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.